

DEPARTMENT OF CONSUMER AFFAIRS
COURT REPORTERS BOARD OF CALIFORNIA
MINUTES OF THE OPEN SESSION
MARCH 20, 2003

CALL TO ORDER

Ms. Julie Peak, Chair, called the meeting to order at 5:05 p.m. at the San Francisco Airport Marriott Hotel.

ROLL CALL

Board Members Present:

Julie Peak, Chair, CSR
Karen Gotelli, Vice Chair, Public Member
Gary Cramer, CSR
John Hisserich, Public Member
Alfred Knoll, Public Member

Board Members Absent:

None

Staff Present:

David E. Brown, Executive Officer
George Ritter, Staff Legal Counsel
Connie Conkle, Administrative Staff
Gabriela Diaz, Asst. Licensing Coordinator
Gail Jones, Enforcement Coordinator
Karen Ollinger, Special Projects
Kim White, Licensing Coordinator

Ms. Peak introduced Ms. Karen Ollinger as the board's newest staff member. Ms. Ollinger will be working on the board's newsletter, Sunset Review, school oversight and other special projects of the board. Ms. Peak also congratulated Mr. Gary Cramer on the Senate's confirmation of his reappointment to the board.

MINUTES

The minutes of the November 14, 2002 open session were approved on a motion by Mr. Cramer. Ms. Karen Gotelli seconded the motion; **MOTION CARRIED.**

DRAFT STRATEGIC PLAN

Ms. Peak asked the board for any changes or recommendations to the draft strategic plan. After further discussion and recommended changes, Mr. John Hisserich moved to adopt the draft strategic plan with amendments. Ms. Gotelli seconded the motion; **MOTION CARRIED.**

DEPARTMENT STRATEGIC PLAN QUARTERLY REPORTING REQUIREMENT

Mr. Brown stated the current strategic plan does not include performance measurements. These measurements such as fiscal reporting abilities, Executive Officer performance review, and reports on Sunset Review are a required component of every strategic plan. Mr. Brown stated at the next strategic planning session, performance measurements would need to be included. He stated the Department is also requesting quarterly updates on strategic plans to see how the boards, bureaus and divisions are doing on implementing their goals. After a brief discussion, Mr. Alfred Knoll moved to adopt the Department's recommendation of quarterly reporting on the board's strategic plan beginning with the 2003/2004 strategic plan year. Mr. Hisserich seconded the motion; **MOTION CARRIED.**

POLICY OF BOARD MEMBERS ATTENDANCE AT FUNCTIONS

Mr. George Ritter discussed with the board strategies to use when attending functions on behalf of the board. One example discussed was speaking at a function on behalf of the board. Board members (and staff) need to identify if they are expressing a personal opinion or the board's position on an issue.

USE OF ALTERNATIVE TESTING DEVICES

Ms. Peak introduced Mr. Robert Balian, a court reporter from San Francisco Superior Court, who demonstrated for the board a paperless writer. Discussion ensued on whether a paperless writer could be used for the dictation portion of the examination whereupon Ms. Peak directed staff to conduct a pilot project with two volunteers using paperless writers at the next exam.

RECESS

At 6:30 p.m., Ms. Peak requested a five-minute recess.

RECONVENE

The Board reconvened at 6:40 p.m.

UPDATE TO BAGLEY-KEENE OPEN MEETING ACT

Mr. Ritter reviewed the changes to the Bagley-Keene Open Meeting Act which included provisions to accommodate disabled persons including the request of alternative formats of the agenda and materials provided to the board e.g. Braille, or requests for a sign interpreter to be present at a meeting. The costs to accommodate such requests would be incurred by the board. Mr. Ritter also discussed the attendance of board members at board committee meetings. A board committee of two or less board members does not meet public notice requirements under Bagley-Keene. If additional board members attend a committee meeting, they must not speak on any issues. If they speak on an issue, it could constitute a violation of the Bagley-Keene Open Meeting Act.

REPORT OF BOARD ATTENDANCE AT FUNCTIONS

Ms. Gotelli provided the board with a report on the Mock Trial Awards Ceremony, the Open House at Cypress College and Tri-Community Adult Education. Mr. Cramer reported on the compendium meeting he attended in Fresno. Mr. Knoll discussed the Technology Subcommittee meeting held in February 2003. Ms. Peak reported to the board on her attendance at the Deposition Reporters

Association Convention, the Reporting of the Record Taskforce meeting, the Northern CA Court Reporters Association meeting and the Department's Budget meeting.

Mr. Brown introduced Ms. Sandy Finch to the board. Ms. Finch and her business partner Ms. Kelly Emerick are currently in the process of opening a court reporting school in northern California.

CODE OF PROFESSIONAL CONDUCT IN DISCIPLINARY CASE PROCESSING

Mr. Brown stated the current code does not have a definition in regulation regarding "unprofessional conduct". This makes it difficult to prosecute alleged violations without definitive language in regulations. After further discussion, Mr. Knoll volunteered to work with Mr. Ritter in drafting a regulation defining unprofessional conduct.

COMPLAINT DISCLOSURE - DRAFT BOARD POLICY

Ms. Ollinger stated the Department has published recommended standards for complaint disclosure. The board currently has a statute that defines the circumstances under which the board may release information concerning a complaint. She stated the board does not currently have a policy to implement the statute. Discussion ensued whereupon Ms. Peak directed staff to develop draft regulations regarding complaint disclosure including withdrawn complaints and the authority over schools.

REGULATIONS

The board reviewed the two comments from Bollington, Griffith & Swope and Bollington, Stilz, Bloeser & Curry submitted in response to the board's Notice of Proposed Rulemaking, CCR Section 2474. After further discussion, Mr. Knoll moved to approve the final statement of reasons as written including the responses to the comments from Bollington, Griffith & Swope and Bollington, Stilz, Bloeser & Curry and submit the rulemaking file to Office of Administrative Law for final adoption.

Ms. Gotelli seconded the motion; **MOTION CARRIED.**

Ms. Gail Jones provided an update on the proposed regulations CCR Section 2418 (a) & 2418 (b).

EXECUTIVE OFFICER REPORT

Mr. Brown updated the board on various projects staff is currently working on since the last board meeting:

- Removal of 5 year requalifying requirement - Notice was sent out to examinees that are now eligible to sit for the CSR examination. Sixteen examinees have applied for the March 2003 examination. The pass rates for this group will be captured separately from the other statistics.
- Newsletter - Ms. Ollinger is currently working on a draft newsletter.
- Grading regulation - Staff is currently working on draft regulation.
- Report on Office of Administrative Hearings (OAH) use of unlicensed reporters - Staff is working with Mr. Ritter and OAH to determine the impact of the new policy by OAH. Staff will also be working with Mr. Ritter to determine whether an unlicensed reporter can qualify to sit for the CSR examination using their experience reporting OAH hearings, and/or whether the person is in violation of working without a license.
- Report on status of school performance review - The Department of Finance and staff have conducted school performance reviews at Humphrey's College in Stockton and Argonaut in

Sacramento. The results of the visits will be provided when available. Staff has scheduled two more schools for review in southern California for mid-April.

- Report on consumer complaint sent to Judicial Council - A complainant who was not satisfied with the action on his complaint sent a copy of his letter to the Reporting of the Record Task Force (RRTF). The complaint listed the reporter's names. The RRTF published the complaint at their last public meeting. Mr. Brown reiterated the board's law (Business and Professions Code Section 8010) of nondisclosure of complainant's names during the complaint process.

REPORT ON THE STATE BUDGET AND CR BOARD BUDGET

Mr. Brown reviewed the strategies recommended by the Governor's office. He reviewed with the board some of the budget cuts regarding travel that he has currently implemented. Ms. Ollinger reviewed with the board the impact on the board's reserve fund resulting from the loan from the board's fund to the general fund. Ms. Ollinger stated by the 2006/2007 fiscal year, the board would not have adequate resources to fund its program. After further discussion, Mr. Knoll requested Mr. Ritter to research the possibly of ensuring the loan's repayment, with interest, to the board.

REPORT ON CRITERION REFERENCED PASSPOINT SETTING

Mr. Brown stated the board conducted an Angoff passpoint-setting workshop on March 7 & 8, 2003 in Sacramento with Office of Exam Resources to set the passpoint for the written examinations of the March 2003 exam. This is the first passpoint-setting workshop as required by regulation and identified as a necessity by the Joint Legislative Sunset Review Committee. Mr. Brown announced the passpoint for the March 2003 Professional Practice examination to be 79% and the passpoint for the English examination to be 71%.

FUTURE MEETING DATES

The board agreed upon the following dates:

- June 21, 2003 - Board meeting/Strategic Planning Session, Sacramento
- August 7, 2003 - Board meeting, Los Angeles (Tentative)
- August 8 & 9, 2003 - CSR examination, Los Angeles (Tentative)
- November 20, 2003 - Board meeting, San Francisco (Tentative)
- November 21 & 22, 2003 - CSR examination, San Francisco (Tentative)

ADJOURN

Ms. Peak adjourned the meeting at 8:40 p.m.

JULIE PEAK, Chair

DATE

DAVID E. BROWN, Executive Officer

DATE